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ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE Steven T. Berger BERGIB/101/US 1122 11/14/2003 10/713,890 **EXAMINER** 2543 7590 07/19/2006 ALIX YALE & RISTAS LLP ANDERSON, CATHARINE L 750 MAIN STREET PAPER NUMBER ART UNIT **SUITE 1400** HARTFORD, CT 06103 3761

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/713,890	BERGER ET AL.		
Examiner	Art Unit	_	
C. Lynne Anderson	3761		

	C. Lyllile Aliderson	3701	
The MAILING DATE of this communication appe	ars on the cover sheet with the d	correspondence add	ress
THE REPLY FILED 30 June 2006 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR A	LLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aftitice of Appeal (with appeal fee) in the with 37 CFR 1.114. The reply m	fidavit, or other evider compliance with 37 C	ce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailing			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire is Examiner Note: If box 1 is checked, check either box (a) or (ater than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN THI	g date of the final rejecti	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	• • • • • • • • • • • • • • • • • • • •		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in comp	liance with 37 CFR 41.37 must be	filed within two month	s of the date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	acalisa
(a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE belo	nsideration and/or search (see NO		ecause
(c) They are not deemed to place the application in bet		ducing or simplifying	the issues for
appeal; and/or			
(d) They present additional claims without canceling a		ected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1	* **		(270) 004
4. The amendments are not in compliance with 37 CFR 1.1.		ompliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s)		time also file also managed as a	-4li 4b
 Newly proposed or amended claim(s) would be al non-allowable claim(s). 	lowable if submitted in a separate,	timely filed amendme	ent canceling the
7. Solution For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows:		ll be entered and an e	explanation of
Claim(s) allowed:			
Claim(s) objected to:			
Claim(s) rejected: <u>1-4 and 6-28</u> .			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good answas not earlier presented. See 37 CFR 1.116(e).	t before or on the date of filing a N d sufficient reasons why the affida	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	vercome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa see 37 CFR 41.33(d)(ls to provide a l).
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER		·	
11. The request for reconsideration has been considered but	t does NOT place the application i	n condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08 or PTO-1449) Paper I	No(s)	
	TATYANA ZALUKA SUPERVISORY PRIMARY	NEVA YEXAMINER	

Continuation of 3. NOTE: The proposed amendment introduces limitations not previously presented, and therefore will require further search and consideration. The applicant's arguments are drawn to the limitations of the proposed amendment, which is not being entered.